

Floyd Raymond, Looker, *Sui Juris*
 c/o HC 63, Box 12-AA
 Nettie [zip code exempt]
 WEST VIRGINIA

In Propria Persona

Under Protest, Necessity, and
 by Special Visitation Only

U.S. DISTRICT COURT
 RECEIVED AT WHEELING, WV

DEC 18 1996

NORTHERN DISTRICT OF WV
 OFFICE OF THE CLERK

U.S. DISTRICT COURT
 FILED AT WHEELING, WV

JAN 21 1997

NORTHERN DISTRICT OF WV
 OFFICE OF THE CLERK

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA, [sic])	Criminal No. <u>1:96-CR-43-01</u>
)	
Plaintiff, [sic])	NOTICE OF WITHDRAWAL AND
)	FORMAL WITHDRAWAL OF PLEA:
v.)	FORMAL OBJECTION TO MISNOMER
)	NOMME DE GUERRE UNDER COLOR
FLOYD RAYMOND LOOKER, a/k/a RAY,)	OF UNCONSTITUTIONAL FEDERAL
JAMES R. ROGERS, a/k/a RICH, [sic])	STATUTES:
)	"12 U.S.C. 95(a) - (b);
Defendants. [sic])	"Trading with the Enemy Act",
)	as amended to date

COMES NOW Floyd Raymond, Looker, *Sui Juris*, Citizen of West Virginia state and Defendant in the above entitled matter (hereinafter "Defendant"), to provide formal Notice to all interested party(s) of His decision, declared notoriously hereby, formally to withdraw the Plea of "Not Guilty" which was entered unlawfully on His behalf, and over His vocal objections, by the alleged "Magistrate" during the alleged "arraignment" which occurred on December 2, 1996, in the above entitled case.

Defendant also hereby makes His formal objection, and provides formal Notice of same to all interested party(s), protesting the unlawful use of a *Nomme de Guerre* ("Name of War") falsely to identify Defendant in place of His true Christian

1 appellation. Said mistaken identification is a "misnomer" which
2 can be, and herein is, lawfully abated by means of the instant
3 Notices, made under formal protest and with explicit reservation
4 of all fundamental Rights expressly guaranteed to Defendant by
5 the Constitution for the United States of America, as lawfully
6 amended (hereinafter "U.S. Constitution"). See Supremacy Clause;
7 and Article III, Section 3, Clause 1, to wit:

8
9 Treason against the United States [sic], shall consist only
10 in levying War against them [sic], or in adhering to their
11 Enemies, giving them [sic] Aid and Comfort. [emphasis added]

12 Defendant hereby also makes His notorious protest of the
13 presence in the Article IV territorial "arraignment" tribunal of
14 a gold-fringed American flag, which is evidence further still,
15 above and beyond the Plaintiffs' misuse of an unlawful *Nomme de*
16 *Guerre*, of martial rule imposed unlawfully upon, and without the
17 consent of, the Sovereign People, of which Defendant is a Member
18 in good standing by virtue of His birth. See Right of Election.

19 Defendant hereby denies the existence of any valid
20 contracts, either verbal or written, either expressed or implied
21 in fact, whereby He might have waived any of His fundamental
22 Rights secured by the federal and state constitutions.

23 Waivers of fundamental Rights will never be presumed, ever.
24 See Ohio Bell v. Public Utilities Commission, 301 U.S. 292.
25 Waivers of fundamental Rights must be knowing, intentional, and
26 voluntary acts, done with sufficient awareness of the relevant
27 circumstances and likely consequences. See Brady v. U.S., 397
28 U.S. 742 at 748 (1970). Deprivation of fundamental rights,
29 privileges, or immunities secured by the U.S. Constitution is a
30 criminal violation of 18 U.S.C. 242. See also 18 U.S.C. 241.
31

1 A practice condemned by the Constitution cannot be saved by
2 historical acceptance and present convenience.

3
4 [U.S. v. Woodley, 726 F.2d 1328, 1338 (1983)]
5 [emphasis added]
6

7 It is obviously correct that no one acquires a vested or
8 protected right in violation of the Constitution by long
9 use, even when that span of time covers our entire national
10 existence and indeed predates it.

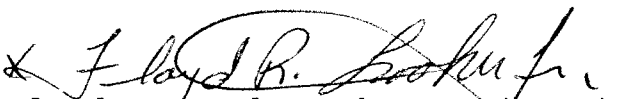
11
12 [Walz v. Tax Commission of New York City,]
13 [397 U.S. 664, 678 (1970), emphasis added]

14 The custom of continuing arbitrary emergency declarations,
15 so as to effect the appearance of an unbroken state of emergency,
16 has the unavoidable consequence of levying War against the
17 several States of the Union and is, therefore, unconstitutional.
18 See 12 U.S.C. 95(a), (b); Art. III, Sec. 3, Cl. 1; 18 U.S.C. 242.

19 VERIFICATION

20 The Defendant hereby verifies, under penalty of perjury,
21 under the laws of the United States of America, without the
22 "United States", without waiving any Rights, that the above
23 statements of fact are true and correct, to the best of His
24 current information, knowledge, and belief, so help Me God,
25 pursuant to 28 U.S.C. 1746(1).
26

27
28 Executed on: X 12-16-96
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34 Floyd Raymond, Looker, Sui Juris
35 Citizen of West Virginia state
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37 Executed on December 11, 1996:
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43 Paul Andrew Mitchell, B.A., M.S.
44 Citizen of Arizona state, federal witness,
45 and Counselor at Law

PROOF OF SERVICE

I, Paul Andrew, Mitchell, *Sui Juris*, hereby certify, under penalty of perjury, under the laws of the United States of America, without the "United States," that I am at least 18 years of age, a Citizen of one of the United States of America, and that I personally served the following document(s):

NOTICE OF WITHDRAWAL AND FORMAL WITHDRAWAL OF PLEA;
NOTICE OF OBJECTION AND FORMAL OBJECTION TO MISNOMER
NOMME DE GUERRE UNDER COLOR OF UNCONSTITUTIONAL
FEDERAL STATUTES: "12 U.S.C. 95(a)-(b)";
"Trading with the Enemy Act" as amended to date

by placing one true and correct copy of said document(s) in first class U.S. Mail, with postage prepaid and properly addressed to the following:

Office of the United States Attorney
Federal Building
Wheeling
WEST VIRGINIA

Clerk of Court
United States District Court
Wheeling
WEST VIRGINIA

Attorney General
Department of Justice
10th and Constitution, N.W.
Washington
DISTRICT OF COLUMBIA

Solicitor General
Department of Justice
10th and Constitution, N.W.
Washington
DISTRICT OF COLUMBIA

Executed on December 11, 1996:



Paul Andrew Mitchell, *Sui Juris*
Citizen of Arizona state, federal witness,
Counselor at Law, and Counsel of Record in Fact